C.F.No.1/53.

96(2)

12th January 1953.

My dear Sri Ramachandra Rao,

I invite a kind reference to your telephone conversation with me and your letter No.T 3122 dated 11th November 1952, forwarding a copy of a petition containing allegations against Sri B.HanumantheGowda, First Class Magistrate, Ramanagaram and requesting me "to take due notice of the same and also needful action".

In view of the serious nature of the allegations made, I deputed one of the Judges, Justice Sri N.Balakrishnaiya to proceed to Ramanagaram and conduct an enquiry into the matter. He examined 17 signatories to the petition, 7 persons involved in the examination of the signatories, 6 independent persons and Sri Hanumanthe Gowda, the Magistrate, and submitted his report dated 10th December 1952, a copy of which is enclosed. The conclusions reached by Justice Sri N.Balakrishnaiya in his report are extracted below:-

"...In the face of these admissions of the signatories to the petition, it is not improbable to infer that the petition is inspired by Nanjappa who is aggrieved against the Magistrate. It is equally certain that K.Chikanarasimhiah Reddy, B.Shivanna, Karim Sab and Subbiah Reddy are the others who have actively aided in getting up the petition as already observed. ....

A careful consideration of the evidence-

"makes it evident that most of the signatories neither knew the origin of the petition nor the allegations contained therein, but have simply signed the same, influenced by party-feelings or as a result of pressure brought to bear on them or by consideration of friendship. A good number of them do not even profess to know the allegations and state that to their knowledge they are not true. None of them are able to substantiate the allegations far less have they any personal knowledge. A few of the signatories who have stated that they have seen or heard something have frankly confessed their inability to prove them. The conclusion that emerges from a consideration of these circumstances is that the allegations against the Magistrate are not only baseless and untrue but are highly mischievous and made maliciously without any reasonable cause.

Inevitably these allegations have provoked a far reaching reaction. The Magistrate against whom these aspersions are cast is naturally hurt and wants a thorough investigation of the whole affair with a view to get the offenders suitably dealt with. Ramachandra Rao, Advocate (R.No.1) states that 'it is necessary that people who make such false allegations should be brought to book in the interest of justice and fair name of judiciary in Mysore'. K.T.Srinivasan, Advocate (D.No.3) states that 'the persons who are responsible

" for such allegations must be made to realise that they cannot with impunity make such allegations by taking suitable action against them in the interest of litigant public,' and last Mr.Subba Rao who is a lawyer of 25 years standing, a member and the President of the Taluk Congress Committee since 1937, who was a member of the District Congress and its President for some time and who is at present a member of the Mysore Provincial Congress Committee and who has every opportunity to know the developements in the Taluk expresses his opinion thus:

'My feeling is that the petition is engineered by some signatories, actuated by some wire-pullers behind the scene, who purposely are keeping behind; and this is due to gratify their personal ends. Of late a situation is growing in this Taluk that some persons including the signatories to this petition are actively engaged in making propaganda that they can do and undo things in any department of Governmental activities with the help of the elected representatives of the constituency.' .. .. ..

Lastly, I wish to suggest that in the interest of law and order and public safety that allegations of the kind mentioned in the petition to the Law Minister should be fully enquired into and drastic action taken in order to create confidence in the interest of the honesty and integrity of the Judiciary.'

I also asked the seniormost Puisne Judge, Justice Sri R.Venkata Ramaiya, for his views in the matter and he is of the opinion that since according to the report, the allegations are found to be baseless and male fide, it is necessary that those responsible for the petition should be properly dealt with according to law, so that it may serve as a lesson to them and others.

I am in agreement with Sri Balakrishnaiya and Sri Venkata Ramaiya that if persons are allowed to make false and unfounded allegations on Magistrates with impunity, it is bound to lower the morale of the Judicial Officers and undermine the confidence in Courts and the respect due to them. I consider it imperative that those who have been found responsible for this petition according to the report viz. four signatories and Sri Nanjappa should be prosecuted for offences under the Indian Penal Code viz. sections 182, 193, 211 etc. and if as a result of the trial it is found that the allegations in the petition are false they should be suitably punished.

The petition has been addressed to and received by you and section 195 of the Criminal Procedure Code appears to require that you should direct a complaint to be filed. I will feel obliged if you will kindly let me know the action taken by you in this matter.

I may add in this connection that since the last 3 or 4 years attempts are being made to discredit the Mysore Judiciary and this evil habit is on the increase and calls for effective steps, and I feel confident that you will not countenance the malignment of the Mysore Judiciary.

Thanking you, Yours sincerely,

Sd/- P.M.

Sri A.G.Ramachandra Rao,B.A.,LL.B.,
Minister for law,
Bangalore.